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OFFICE OF PETITIONS

In re Application of	:	
McKay	:	DECISION ON RENEWED PETITION
Application No. 10/755,494	:	UNDER 37 C.F.R. §1.28(c)
Patent No. 6,981,291	:	
Filed: January 12, 2004	:	
Issue Date: January 3, 2006	:	
Attorney Docket No. RBD-120-A	:	
Title: MOTORIZED CLEANING	:	
APPARATUS	:	

This is a notice regarding your renewed request for acceptance of a fee deficiency submission under 37 CFR § 1.28, dated October 4, 2007.

37 C.F.R. §1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

- (a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
- (b) The small entity fee actually paid, and when;
- (c) The deficiency owed amount (for each fee erroneously paid); and
- (d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

The original petition was submitted on March 22, 2006, where Petitioner submitted the type of fee that was erroneously paid and the total deficiency payment owed.

The original petition was dismissed via the mailing of a decision on July 11, 2006, as the petition failed to identify the small entity fee that was actually paid and when said fee was paid.

With this renewed petition, Petitioner has identified the small entity fee that was actually paid and when said fee was paid.

This notice pertains to your request for acceptance of a fee deficiency submission under 37 CFR §1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 C.F.R. § 1.28 is hereby accepted. The renewed petition is **GRANTED** accordingly.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
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